

Assessment

Forest Plan Revision

Draft Pryor Mountain Wild Horse Territory Report



Pryor Mountain Wild Horses (photo courtesy of Terry Jones)

Prepared by:

Kim Reid

Wild Horse Coordinator

for:

Custer Gallatin National Forest

November 29, 2016

Contents

Introduction	1
Process and Methods and Existing Information Sources	1
Scale	1
Current Forest Plan Direction	1
Existing Condition	2
Pryor Mountain Wild Horse Range and the Herd	2
Appropriate Management Level	4
Limitations of the Territory Boundary	5
Herd Management Area and Territory Plan	5
Territory Condition	6
Key Benefits to People	8
Trends and Drivers	8
Key Findings	9
References	11
Appendix A Wild Horse Territory Boundary	13
History	13
Forest Service Territory Boundary Delineation Pursuant to the 1971 Act	13

Introduction

The Wild Free-Roaming Horses and Burros Act of 1971 directs Federal management of wild horses and burros on Bureau of Land Management (BLM) and National Forest System lands. The Act declares wild horses and burros to be “living symbols of the historic and pioneer spirit of the West.” Under the law, the BLM and Forest Service manage herds in their respective jurisdictions within areas where wild horses and burros were found roaming in 1971 at the time of the passage of the Act.

The Pryor Mountain Wild Horse Range¹ is a refuge for a herd of free-roaming wild horses. The range has an area of about 43,000 acres and consists of BLM and National Forest System lands, Bighorn Canyon National Recreation Area (National Park Service) lands, and a small amount of private lands. The BLM is the lead agency.

Process and Methods and Existing Information Sources

A review of recent evaluations, environmental analysis and decisions, and herd management plans for the Pryor Mountain Wild Horse Range was conducted.

Scale

The spatial extent of the assessment is for the Pryor Mountain Wild Horse Range, which includes all ownerships. This area is located within East Pryor Mountain of the Pryor Mountain landscape area on the Beartooth Ranger District.

The temporal scale is from the turn of the 20th century to 50 years into the future. Unrestrained grazing at the turn of the 20th century created many rangeland conditions that take time to reverse. Fifty years into the future is the timeframe used for projected trends.

Current Forest Plan Direction

In June 1987, a record of decision was issued for the Custer forest plan. It outlined management area direction for the Pryor Mountain Wild Horse Territory and reaffirmed the BLM as the lead administering agency (Forest Plan Management Area Q, p. 89, Forest Plan FEIS, pp. xi, 125 and 338; Forest Plan Appendix C, pp. 194 and 196; Forest Plan Record of Decision, pp. 21 and 31). The 2009 Pryor Mountain Wild Horse Range/Territory Environmental Assessment and Herd Management Area Plan was developed jointly by the BLM, Forest Service, and Park Service. In addition to the forest plan, this document guides the management of public lands within the Pryor Mountain Wild Horse Range.

The Custer forest plan goal for the Wild Horse Territory (Management Area Q) is to “provide for improved habitat conditions, including range and watershed, and for a healthy viable wild horse population.” Management Area Q directs that the Forest Service will cooperate with the BLM on monitoring needs, livestock will not be permitted, wildlife habitat will be maintained or enhanced in a manner that is compatible with wild horses and overall habitat conditions, prescribed fire may be used to enhance rangeland conditions for wild horses, new range improvements can be constructed provided they do not attract horses into the Forest Service Lost Water Canyon recommended wilderness, and the two study exclosures and the Tillett Ridge horse trap would be retained. In addition, it is Forest Service

¹ The Pryor Mountain Wild Horse Range consists of the combination of agency (BLM, Forest Service, and National Park Service) and private rangelands authorized for use by wild horses. This should not be confused with Wild Horse “Range” which is a special designation where only the BLM and National Park Service portion has this status through 1968 Secretarial Order.

policy (Forest Service Manual 2260.3) to confine wild free-roaming horses to managed horse territories as established pursuant to the 1971 Act, to the extent possible.

Existing Condition

Pryor Mountain Wild Horse Range and the Herd

The Forest Service and Bureau of Land Management manages, protects, and controls wild horses and burros under the authority of the 1971 Wild Free-Roaming Horses and Burros Act (as amended by Congress in 1976, 1978, 1996, and 2004). This law authorizes the agencies to remove excess wild horses from the range to sustain the health and productivity of the public lands. The agencies also manage the nation's public lands for multiple uses, in accordance with the 1976 Federal Land Policy and Management Act. The agencies manage wild horses as part of this multiple-use mandate. Locally, the BLM is the lead agency for the management of the Pryor Mountain Wild Horse Herd and rangelands. The BLM's management efforts are supported by the Forest Service under a Service First Agreement for their portion of responsibilities related to the Forest Service Pryor Mountain Wild Horse Territory. The Pryor Mountain Wild Horse Range is primarily administered for the protection and management of wild horses, ecological conditions, wildlife, watershed, recreation, cultural, and scenic values.

There are various landownerships within the Pryor Mountain Wild Horse Range. Of the approximate 43,000-acre range, about 70 percent consists of BLM lands, 21 percent are National Park Service lands, 7 percent are National Forest System lands, and 2 percent are private lands under lease. The Pryor Mountain Wild Horse Range varies in elevation from 3,850 to 8,800 feet. Annual precipitation varies with elevation with 6 inches of precipitation in the lower elevations to upwards of 20 inches in the subalpine high elevation. The national forest portion of the Pryor Mountain Wild Horse Range is termed "Wild Horse Territory." The territory ranges in elevation from about 6,000 feet at the middle elevations to about 8,800 feet. See Figure 1 for the location of the Pryor Mountain Wild Horse Range and ownership pattern.

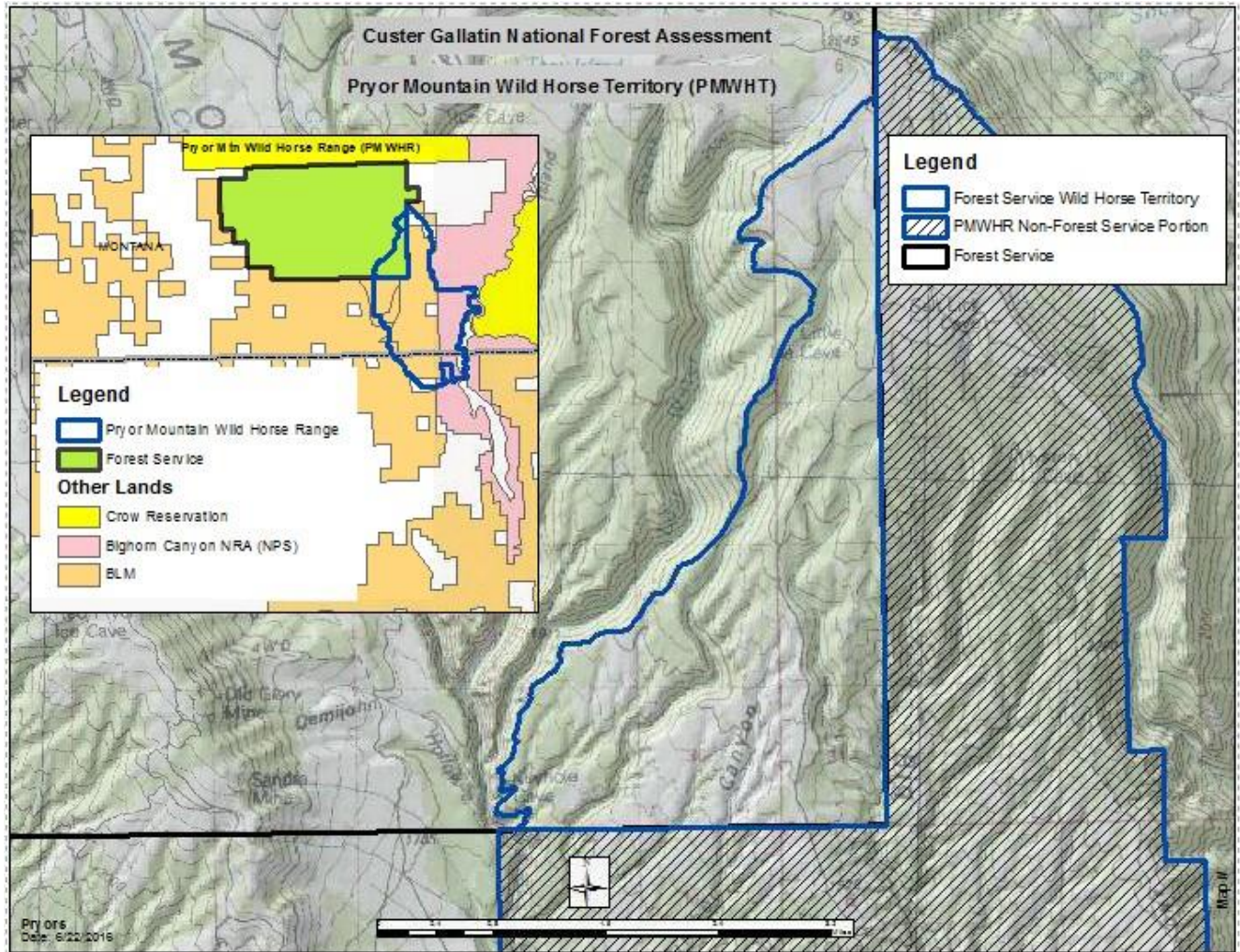


Figure 1. Forest Service Pryor Mountain Wild Horse Territory

The origin of the wild horses within the Pryor Mountain Wild Horse Range is not entirely known. Many claim the horses are descendants of animals the Crow Indians obtained from the Spanish or other tribes in contact with the Spanish. The Crow Indians were known to have horses by the 1700s and to inhabit the Pryor Mountains before European settlement. The trapper William Hamilton explored the Pryor Mountains in 1848 and did not describe the presence of wild horses. By the early 1900s wild horses within the Bighorn basin were well documented. Most likely the wild free-roaming horses inhabiting the Pryor Mountain Wild Horse Range are descendants of numerous founding stocks.

The Pryor herd has a unique genetic makeup. Recent genetic tests conducted by Dr. Gus Cothran concluded the Pryor horses are descendants of New World “Spanish” breeds (saddle type horses) and related to European “Spanish” breeds. Some of the Pryor horses carry a rare allele that is traced back to original New World “Spanish” type horses that were developed from the original Spanish and Portuguese (Iberian) horses that were brought to the Americas (BLM/FS/NPS 2009). Many Pryor wild horses’ primary bloodline descends from Spanish Barbs and exhibit primitive markings such as dorsal stripes, transverse stripes across the withers, and horizontal “zebra” stripes on the back of the forelegs.

Generally wild horse use tends to shift with forage availability and elevation accessibility. Wild horses tend to live in family groups or bands. Bands are primarily composed of one dominant stallion with several mares depending on the stallion's capability of maintaining these mares. A band can range in size from one mare and one stud to 6 or 7 mares and one stud with their progeny. A bachelor band is made of young studs that are not yet mature enough to build a band and defeat rival stallions for mares or steal a mare. These young studs tend to be displaced from the family band typically but not exclusively upon reaching breeding age. The typical band is led by one dominant mare that controls the day to day activities, unless the stallion feels threatened and moves the band out of an area. Stallions herd their mares by extending their heads and necks low to the ground in a threatening gesture known as "snaking." When a band is in flight, a dominant mare will take the lead with the stallion bringing up the rear. Young stallions roam together in "bachelor" groups, sometimes in proximity to a stallion harem.

Each band typically has a small home range they like to occupy with seasonal shifts in their roaming patterns. Each such group has an established social hierarchy. Upon reaching sexual maturity at age 2 or 3, young colts and fillies are driven from their natal group and form new bands. Occasionally a bachelor stallion may try to steal mares from an established group, resulting in fights between rival males. Foals are born in the spring after an 11 month gestation period; this is the only time when the stallions will tolerate the absence of a mature mare from the group.

Appropriate Management Level

The Forest Service and BLM's goal is to maintain healthy wild horse populations on healthy public lands. To do this, the agencies work to achieve what is known as the "appropriate management level" (AML) – the point at which wild horse herd populations are consistent with the land's capacity to support them. In the context of the multiple-use mission, the appropriate management level is the level at which wild horses can thrive in balance with other public land uses and resources, including vegetation and wildlife.

This type of rangeland management is different from management of wildlife, which are controlled by hunters and natural predators, or livestock, which are controlled by grazing permits. Because of Federal protection and a lack of natural predators, wild horse and burro herds can double in size about every 4 years.

The appropriate management level is a range of low to maximum levels that allows for population growth over a 4- to 5-year period. It was established based on several years of rangeland resource and population data. Those evaluations look at information relating to vegetation, soils, and weather.

The appropriate management level for the overall Pryor Mountain Wild Horse Range is 90 to 120 horses (excluding the current year's foal crop) (BLM/FS/NPS 2009). The population is managed using a combination of population control techniques including gathers, fertility control, natural means, or a combination of prescriptions. When the appropriate management level is exceeded, the excess animals are to be removed and then prepared for adoption or sent to off-range pastures. Removal and/or fertility control does not always happen in a timely manner due to litigation constraints which can result in populations being in excess of appropriate management levels.

The currently available fertility control vaccine, known as porcine zona pellucida (PZP), is limited in the duration of its effectiveness—up to 22 months for a formulation that must be hand-injected into a wild horse. A second formulation of the vaccine can be deployed with ground-darting, but is effective for up to only one year. This formulation is a viable fertility-control option for the Pryor wild horse herd.

because the animals are accustomed to human proximity and the herd size and size of range is small enough to locate and track individual horses.

The BLM actively monitors the genetics of the herd by sending genetic samples for assessment by an equine geneticist and receives recommendations for the herd.

Limitations of the Territory Boundary

Some people have requested range expansion onto other National Forest System lands to help expand the appropriate management level to allow for an increase in the population. The Wild Free-Roaming Horses and Burros Act was enacted December 15, 1971. Wild horses can only be managed on areas of National Forest System and BLM lands where they were known to exist in 1971, at the time of the passage of the Act. For the Forest Service, these areas are known as “territories” and for BLM they are known as “herd areas.” Under section 1339 “Limitation of Authority” the Wild Free-Roaming Horses and Burros Act of 1971 states “Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.” Until a change in the law allows for expansion of the Pryor Mountain Wild Horse Range onto additional national forest or BLM lands that are outside of the existing territory and herd area, the agencies have a legal obligation to follow the law to the greatest extent possible.

Comprehensive agency inventories, assessments, and public involvement (BLM/USFS/NPS 1972, BLM/USFS 1974) provided the basis for herd area and territory boundaries per the 1971 Act. Subsequent land use planning efforts in 1987 by the Forest Service and 1984 by the BLM validated the same areas as being a wild horse territory and herd management area, respectively. If opportunities for private land purchase or lease present themselves, the agencies would consider them, especially if they involve winter range. Winter range is recognized by both agencies as being the limiting factor for overall population size. See Appendix A for a detailed history about the wild horses in this area and how boundaries were delineated.

Herd Management Area and Territory Plan

The 2009 Herd Management Area and Territory Plan was developed to improve management practices that would lead to healthy wild horses in a thriving natural ecological balance within the productive capacity of their habitat and protect the range from deterioration associated with an over-population of wild horses. Decisions from the Herd Management Area and Territory Plan environmental assessment updated the appropriate management level, developed prescriptions for habitat limitations, identified opportunities for improvement, and emphasized stabilization of ecological conditions within the existing herd management area and territory. The Herd Management Area and Territory Plan identified specific herd structure, population management objectives and other resource objectives. It serves as the primary activity plan for the Pryor Mountain Wild Horse Range. The emphasis is to stabilize ecological conditions and halt range deterioration. The objectives of the Herd Management Area and Territory Plan are to improve wild horse and habitat management consistent with the BLM Resource Management Plan and Custer forest plan. The 2009 Herd Management Area and Territory Plan supersedes previous direction identified from the 1984 and subsequent 1992 amended Herd Management Area and Territory Plans.

The BLM, Forest Service, and National Park Service work cooperatively in the long-term management of the Pryor Mountain Wild Horse Range. Each agency has certain management and decision-making authorities related to their respective roles and jurisdictions in the management of the Pryor Mountain Wild Horse Range. The BLM, in coordination with the Forest Service, has authority for population

management, establishing the appropriate management level, habitat conditions, and monitoring associated with all portions of the Pryor Mountain Wild Horse Range. Each agency has authority for management decisions (fencing, water developments, prescribed fire and fuels reduction, and native seeding) on their portion of the Pryor Mountain Wild Horse Range.

Territory Condition

Historically, severe turn of the 20th century overgrazing occurred on the higher elevations of the Pryor Mountain Wild Horse Range. It resulted in reduced soil and vegetative productivity as indicated by historic records. The allotment was closed to grazing after 1961, due to the severe sheet erosion and long-term recovery needs of shallow subalpine rangeland. Mechanical terracing and seeding was done to impede the sheet erosion. Historically, the mid-elevation area had limited to no water and was not part of a grazing allotment. The other portions of the wild horse range on BLM and National Park lands had similar historical use.

A rangeland health study was done by the Natural Resource Conservation Service in 2004. This study found that the wild horse territory on national forest lands was estimated to be approximately 45 percent similarity to reference conditions at the mid elevations and about 30 percent similarity to reference conditions in high elevations. This similarity index estimates the state of succession at a given site by measuring composition and comparing it to the composition of the historic climax plant community (NRCS 2004). This same study indicated a rangeland health rating of 3.25 out of 5 on the national forest portion which is considered to be conditions at risk of crossing a threshold into an unhealthy condition.

There is limited to no riparian areas within the Pryor Mountain Territory. Snow melt catchment areas occur and the main water source is located on nearby leased private lands.

Actions under the decisions for the 2009 Herd Management Area and Territory Plan and subsequent fertility control/gathers were designed to help stabilize ecological conditions. However, ecological condition on many portions of the Pryor Mountain Wild Horse Range would not likely improve due to changed site capability from past historic unmanaged grazing.

Presence of Invasive Species

Fewer than 5 acres of spotted knapweed occurs sporadically along the Burnt Timber Road within the national forest portion of the range. Other exotics such as cheatgrass, halogeton, mustards and others are generally distributed in the lower elevations of the Pryor Mountain Wild Horse Range. Forest Service and BLM field crews continue to monitor and treat spotted knapweed along the length of the Burnt Timber road and adjacent rangelands or any new infestations of listed noxious weeds.

The Influence of Fire

Historic wildland fire occurrence has been documented in a fire history study (Sneed and Winterwood 2006). This study, while not extensive enough to develop a picture of wildland fire history over the entire Pryor Mountain range, gives insight into the historic role of fire in the Pryor Mountain Wild Horse Range ecosystem. This study characterizes the high altitude subalpine fir habitat types as functioning within a normal range of variability exhibiting a low-frequency, high-severity fire regime. The Douglas-fir stands indicate a moderately frequent, mixed fire regime. Limber pine stands are characterized as having a frequent, low-intensity fire regime. Most surface fires after the mid-1950s were probably quickly and effectively suppressed. The middle to upper level of Douglas fir/limber pine forested areas have developed a closed canopy, ladder fuels, and dead and down material with interspersed bare rocky

areas. Fire modeling and historical evidence indicates that wildland fires are of two types: slow spreading ground fire, and high-intensity fast moving crown fires. Recent experience (2002 Red Waffle Fire) demonstrated that existing forest conditions allow fast moving severe fires to occur in similar forested areas under hot dry summer conditions. The loss of habitat and effects to fisheries were substantial during this wildland fire.

Other Studies

Several other studies have been conducted on the Pryor Mountain Wild Horse Range. Eight years of ecological research studies on wild horse population genetics and ecosystem modeling were conducted. These efforts were generated through cooperative efforts with six State and Federal agencies and three universities. Other studies evaluated the potential impacts of predation on the wild horse herd, and social behavior for wild mares. In addition, several years of herd census and demographic information have been analyzed and compared to horse distribution and range utilization studies taken over the same time period. These and other studies (bighorn sheep viability and ungulate dietary overlap studies) also help inform management decisions regarding wild horse management.

Sensitive Plants in the Pryor Mountain Wild Horse Range

Wild horses have been identified as a potential threat to Shoshonea (*Shoshonea pulvinata*), a Forest Service sensitive plant species. Information on *Shoshonea* from a trend report (Heidel 2001) indicated there was not sufficient data or observations to support or refute impacts occurring from wild horses. No direct evidence of grazing was observed.

Wildlife in the Pryor Mountain Wild Horse Range

The primary big game species found in the Pryor Mountain Wild Horse Range are mule deer, Rocky Mountain bighorn sheep, elk, and black bear. Mule deer are the most abundant of these species and most widely distributed. The sagebrush, juniper/mountain mahogany belt at lower elevations in the southern foothills mostly off of national forest is considered crucial mule deer winter range. The bighorn sheep estimated populations in the Pryor Mountain range generally range from between 100 to 160 with the bulk of the distribution within the Pryor Mountain Wild Horse Range in the Bighorn Canyon National Recreation Area. Elk do not use the area on a regular basis. Black bear are abundant in the north-central portions of Pryor Mountain Wild Horse Range where terrain is rugged and forested. Mountain lions are also observed there. Upland game birds include blue grouse. The Pryor Mountain range also support a diverse bat fauna.

Recreational Use

Visitor logs maintained at Penn's Cabin, located on the top of East Pryor Mountain, indicate an increase in visitor use both foreign and domestic. An independent 2003 survey of approximately 277 people indicated the Pryor Mountain Wild Horse Range has become a destination for local, national and international visitors. Recreation use has been monitored and documented by the BLM from 2003 to the present. Since 2003, use has been steady or increasing (BLM/FS/NPS 2008). The majority of the national forest portion of the range is accessible by four-wheel drive vehicles.

Recreation opportunities are primarily wild horse viewing during the warmer months of the year, especially during foaling season. Other opportunities include but are not limited to hunting (bear, deer and small game), hiking, and snowmobiling. Motorized use is limited to designated roads. The area is largely managed for dispersed recreation. Hiking opportunities in the Pryor Mountains are excellent. However, there are no maintained trails for hiking or off-highway vehicle use. There are unique

outstanding geologic and scenic values. The major canyon and rugged side canyons cut through several hundred feet to the Pryor Mountain limestone strata. These deep canyons contain numerous caves, rock overhangs, and natural alcoves that provide ample opportunities for exploration. Canyon bottoms are deep and profusely vegetated. They are difficult to traverse but offer outstanding opportunities for solitude and isolation. The ridges and canyon rims are open and sparsely vegetated. Other uses include camping, horseback riding, photography, sightseeing and wildlife viewing. There are several caves, some of which are large enough to explore.

Heritage Resources

The area contain a rich prehistoric and historic archaeological record including, but not limited to: quarry sites, rock art sites, rockshelter and cave sites, vision quest sites, lithic scatters, rock cairns and rock alignments, tepee rings, drive sites, wooden structure habitation sites, occupation sites, hunting related sites, wooden structure habitation sites (cabins), historic trails, and horse traps. Contemporary traditional cultural use areas are found throughout the area. The Dryhead Overlook and Sykes Ridge are the primary areas of use within the area. These areas have been used for generations by Crow tribal members for traditional uses, ceremonies and vision quest sites. Wild horses have potential to impact artifacts. In addition, increased visitation to view wild horses may also increase the potential for vandalism of these resources and could interfere with tribal members' contemporary traditional use of this area.

Key Benefits to People

Demands for recreational opportunities within the Pryor Mountain range continue to increase. More people than ever are visiting the Pryor Mountain Wild Horse Range not only for wild horse viewing opportunities but to enjoy other recreational opportunities. Motorized use is continually increasing, along with camping, hunting (especially for bear), hiking, sight-seeing, amateur botany, as well as just the experience of visiting open country. See the Social and Economic report (Larson 2016) for further detail.

Trends and Drivers

The BLM, in consultation with the Forest Service will continue to manage wild horses within a population range of the established appropriate management level, while maintaining genetic diversity, age structure, and sex ratios. Natural selection may not be the realistic method for managing wild horses in the future. Wild horses will continue to be a component of East Pryor Mountain managed within the wild horse range.

Permitted livestock grazing is not authorized or planned in the Pryor Mountain Wild Horse Range, with exception of livestock trailing through Bad Pass on National Park lands to access rangelands outside of the Pryor Mountain Wild Horse Range.

Increasing visitation to the Pryor Mountain Wild Horse Range is anticipated along with increased marketing of the area. Commercial activity requests will increase. It is extremely important that neighboring agencies and the BLM concur on consistent direction and guidelines in permitting activities. Special use permit proposals may include activities such as photography and filming. When these proposals include national forest lands, joint concurrence among the agencies should occur on special use approval on a case-by-case basis.

Travel management and recreation management are high priorities for the area. Seasonal use periods for motorized vehicles and management of recreational use of the Pryor Mountain Wild Horse Range can be expected to occur. As more people discover the Pryor Mountains, the more impacts can escalate and traditional uses of the area will likely need closer management to preserve the area for future generations.

If not properly managed, areas of concentrated wild horse use could impact archaeological artifacts due to trampling. Increased visitation to view wild horses may also increase the potential for vandalism of these resources and could interfere with tribal member's contemporary traditional use of this area.

The type of potential actions that could dictate a revision of the 2009 Herd Management Area and Territory Plan would include the following but not necessarily be limited to legislative actions (including but not limited to allowing for expansion of the wild horse range, land tenure changes, or laws): additional private lands become available for wild horse use; changes in the current land use plans; shift in use patterns of wild horses; or overall change in the natural environment that prohibits implementation of the plan.

Influences of fire, climate, drought, and other ecosystem drivers can be found in the Terrestrial Ecosystems Report.

Key Findings

The Wild Free-Roaming Horses and Burros Act was enacted December 15, 1971. Wild horses can only be managed on areas of National Forest System and BLM lands where they were known to exist in 1971, at the time of the passage of the Act. For the Forest Service, these areas are known as "territories" and for BLM they are known as "herd areas." Section 1339 "Limitation of Authority" of the Wild Free-Roaming Horses and Burros Act of 1971 states "Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist." Until a change in the law allows for expansion of the Pryor Mountain Wild Horse range onto additional national forest or BLM lands that are outside of the existing territory and herd area, the agencies have a legal obligation to follow the law to the greatest extent possible.

Of the approximate 43,000-acre range, about 70 percent consists of BLM lands, 21 percent are National Park Service lands, 7 percent are National Forest System lands, and 2 percent are private lands under lease.

The BLM, Forest Service, and National Park Service work cooperatively in the long-term management of the Pryor Mountain Wild Horse Range. Each agency has certain management and decision-making authorities related to their respective roles and jurisdictions in the management of the Pryor Mountain Wild Horse Range. The BLM, in coordination with the Forest Service, has authority for population management, establishing the appropriate management level, habitat conditions, and monitoring associated with all portions of the Pryor Mountain Wild Horse Range. Each agency has authority for other management decisions (fencing, water developments, prescribed fire and fuels reduction, and native seeding) on their portion of the Pryor Mountain Wild Horse Range.

The Pryor herd has a unique genetic makeup. Many Pryor wild horses' primary bloodline descends from Spanish ancestry and exhibit unique markings.

The Forest Service and BLM's goal is to maintain healthy wild horse populations on healthy public lands. As lead agency, the BLM, in consultation with the Forest Service, will continue to manage wild horses

within a population range of the established appropriate management level, while maintaining genetic diversity, age structure, and sex ratios. Natural selection may not be the realistic method for managing wild horses in the future. Wild horses will continue to be a component of East Pryor Mountain managed within the wild horse range. They will be managed comparably as part of other multiple-use considerations.

Rangeland management for wild horses is different from management of wildlife, which are controlled by hunters and natural predators, or livestock, which are controlled by grazing permits. Because of Federal protection and a lack of natural predators, wild horse and burro herds can double in size about every four years.

The appropriate management level for the overall Pryor Mountain Wild Horse Range is 90 to 120 horses (excluding the current years foal crop) (BLM/FS/NPS 2009). The population is managed using a combination of population control techniques including gathers, fertility control, natural means or a combination of prescriptions. When the appropriate management level is exceeded, the excess animals are to be removed and then prepared for adoption or sent to off-range long term holding pastures. Removal and/or fertility control does not always happen in a timely manner due to frequent litigation constraints which can result in populations being in excess of appropriate management levels.

Permitted livestock grazing is not authorized or planned in the Wild Horse Territory.

Increased visitation to the Pryor Mountain Wild Horse Range is anticipated along with increased marketing to view wild horses. Commercial activity requests will increase. Increased visitation to view wild horses may also increase the potential for vandalism of cultural resources and could interfere with tribal member's contemporary traditional use of this area.

References

- Brownell, J 1999. Horse Distribution in the Pryor Mountains Region Preceding the Creation of the Pryor Mountain Wild Horse Range.
- Bureau of Land Management, Forest Service, 1974. Pryor Mountain Complex Land Use Decisions.
- Bureau of Land Management 1984. Billings Resource Area Resource Management Plan and subsequent Record of Decision. Billings MT.
- Bureau of Land Management, Forest Service, National Park Service 1984. Herd Management Area Plan Pryor Mountain Wild Horse Range. Billings MT.
- Bureau of Land Management 1992. Herd Management Area Plan Revision Pryor Mountain Wild Horse Range. Billings MT.
- Bureau of Land Management, Forest Service, National Park Service, 2008. Pryor Mountain Wild Horse Range Evaluation. Billings MT.
- Bureau of Land Management, Forest Service, National Park Service, 2009. Pryor Mountain Wild Horse Range/Territory EA and Herd Management Plan. Billings MT.
- Code of Federal Regulations. 36 CFR Subpart B - 222.20-36. Management of Wild Free- Roaming Horses and Burros.
- Hall, R., 1972. Pryor Mountain Wild Horse Range Biology and Alternatives for Management, Billings MT. Report to the Bureau of Land Management, Forest Service, National Park Service.
- Heidel, Bonnie. 2001. Monitoring *Shoshone pulvinata* in the Pryor Mountains, Carbon County, Montana 1999 Trend Report. Prepared for Bureau of Land Management.
- House of Representative Hearings, 1971. Protection of Wild Horse on Public Lands Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, House of Representatives 92nd Congress First Session on H.R. 795, H.R. 5375 and Related Bills. Hearings held April 19 and 20, 1971.
- Peterson, J., Fahenstock, and J.K. Detling. 1999. Ungulate/vegetation dynamics at the Pryor Mountain Wild Horse Range. Colorado State University, Fort Collins Colorado.
- Natural Resource Conservation Service 2004. NRCS report Pryor Mountain Wild Horse Range Survey and Assessment April 2004.
- Sneed, Paul and Winterowd Mark 2006. Fire history Study: Pryor Mountain Wild Horse Range, Eastern Montana
- Schoenecker, Kathryn A. United States Geologic Survey 2004. Bighorn Sheep Studies, Population Dynamics, and Population Modeling in Bighorn Canyon National Recreation Area, Wyoming and Montana, 2000-2003.
- United States of America Public Law 195-92 1971, 1976, 1978, 2004. Wild Free-Roaming Horse and Burro Act as amended.

Assessment – Pryor Mountain Wild Horse Territory Report

United States Geological Survey 1992-1997. Managers' Summary-Ecological Studies of the Pryor Mountain Wild Horse Range

USFS, Custer National Forest, 1987. Custer National Forest Management Plan.

USFS, Forest Service Manual 2260.

Appendix A Wild Horse Territory Boundary

History

During the 1500s, Spanish explorers brought the modern horse with them from Spain and the rest of Europe. Many of these animals became feral and roamed the grassland of the plains, as well as isolated mountain ranges of the West where the Spanish had explored or settled. As the horse became more prevalent, native peoples began using them and by the early 1700s the Plains Indian was using the horse as a regular part of their existence. In the Pryor Mountains, the Crow and Eastern Shoshone were using the area on a regular basis. As additional settlers arrived in the western United States, they brought many breeds of horses with them; each breed was developed for unique tasks or purposes. As these settlers passed through Montana and Wyoming or settled, some of these horses became feral or were purposely turned loose on the range and used as a commodity. By the early 1900s, thousands of horses were running free throughout the Bighorn Basin and the Crow Reservation (BLM/FS/NPS 2009).

From the late 1800s until the 1930s, many horses were produced on the range for use in the Calvary remount program. Many Arabian and thoroughbred stallions were released on the range to reproduce with wild mares to obtain progeny that had endurance and other characteristics required by the military. Wild horses on the rangelands were periodically gathered by private individuals. The young wild horses were sold to the military, and the undesirable stallions and mares were destroyed to eliminate their characteristics from the gene pool. After the end of the Calvary remount program, many wild horses were captured to be sold for rendering profits. Wild horses were viewed as a nuisance and/or commodity. Many “mustangers” operated in the Bighorn Basin, capturing wild horses and selling them for slaughter, or keeping a few for personal use (BLM/FS/NPS 2009).

The Forest Service authorized local ranchers to run livestock by permit in the Pryor Mountains during the early part of the 20th century. Non-permitted (trespass) horse use occurred amid permitted livestock use in the Pryor Mountains. By the 1920s, the Forest Service began an extensive effort to curtail non-permitted horse use in order to minimize competition with permitted livestock for forage. In 1935, the Pryor Division of the Custer National Forest was closed to all horses by Secretarial Order. By the 1940s the concerted efforts to remove horses from national forest lands and the construction of the Forest Service and BLM boundary fences pushed most of the horses to the public domain (BLM lands) to the south, east and west of the national forest. By 1968, when the Pryor Mountain Wild Horse Refuge was established on BLM and National Park Service lands by Secretarial Order, most horses were concentrated on lands east and southeast of National Forest System lands (Brownell 1999; BLM/FS/NPS 2009).

Forest Service Territory Boundary Delineation Pursuant to the 1971 Act

The Wild Free-Roaming Horses and Burros Act was enacted December 15, 1971. Wild horses can only be managed on areas of National Forest System and BLM lands where they were known to exist in 1971, at the time of the passage of the Act. Hall’s comprehensive aerial and ground study of wild horses on BLM, National Forest System lands, and National Park Service lands in the Pryor Mountains was conducted during the time of the 1971 Act and was a reasoned approach for determining where horses occurred at the time of the passage of the Act. Hall’s 1971/1972 117-page assessment was prepared for the BLM/Forest Service joint land use planning process and determined where wild horses were specifically found at the time of the passage of the 1971 Act. The 1974 joint decision determined that wild horses were to be managed not only within the 1968/1969 Refuge area, but also Hall’s recommended Lost Water Canyon area (present day Custer Forest Plan Management Area Q), the Mystic Allotment area,

Lower Crooked Creek and Upper Crooked Creek areas (BLM). In each of these areas, Hall specifically identified the number of horses, their location, and the season of year (summer/winter) in which they were observed, and locations were mapped

The 1974 joint BLM and Forest Service assessment and land use decision, which originally determined where horses were to be managed per the 1971 Act, was based on public involvement, and comprehensive inventories and recommendations from agency specialists, including Hall's 1971-1972 comprehensive surveys. The Pryor Mountain wild horse herd had been highly scrutinized and studied during the previous year's leading to the 1971 Act. The 1968 Pryor Mountain Wild Horse Refuge on BLM and National Park Service lands was the first of two in the nation at the time and was the subject by many of those testifying at the 1971 House of Representatives wild horse hearings leading to the December 1971 Act. Pryor Mountain wild horse management, studies, and observations were not new to the Pryor Mountain agency experts by the time the 1971 Act was passed. The 1974 decision was legitimately supported by the record and corresponds with the purposes of the 1971 Act. Surveys, methods, mapping, and scientific and technical judgments were within the scope of agency expertise and conducted at the time of the Act.

Subsequent agency land use planning, public involvement and resulting decisions reaffirmed the same BLM herd area (1984) and Forest Service territory (1987) boundaries as originally assessed and outlined in 1974. See the 2009 Pryor Mountain Wild Horse Range Herd Management Area and Territory Plan Environmental Assessment and Decisions (BLM/FS/NPS 2009) for detailed information relative to Hall's comprehensive study of wild horses.

Section 1339 "Limitation of Authority" of the Wild Free-Roaming Horses and Burros Act of 1971 states *"Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist"*. Until a change in the law allows for expansion of the Pryor Mountain Wild Horse range onto additional USFS or BLM lands that are outside of the existing Territory and Herd Area, the agencies have a legal obligation to follow the law to the greatest extent possible.